

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

**No. 14-cv-0957 RB/SMV
12-cr-2903 RB**

CHRISTOPHER A. APALATEGUI,

Defendant/Petitioner.

**ORDER ADOPTING MAGISTRATE JUDGE’S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**


THIS MATTER is before the Court on the Magistrate Judge’s Proposed Findings and Recommended Disposition [CV Doc. 11; CR Doc. 55¹] (“PF&RD”), issued on May 4, 2015. On reference by the undersigned, the Honorable Stephan M. Vidmar, United States Magistrate Judge, reviewed Defendant/Petitioner Christopher A. Apalategui’s Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence . . . [CV Doc. 1, CR Doc. 44] (“§ 2255 Motion”). PF&RD [CV Doc. 11; CR Doc. 55]. Judge Vidmar found Petitioner’s claims were without merit. *See generally id.* at 3–16 (addressing the merits of all claims). Accordingly, Judge Vidmar recommended that the Court deny the claims raised in the § 2255 Motion and dismiss the case with prejudice. *Id.* at 16. No party has filed objections to the PF&RD, and the time for objecting has passed.

¹ References that begin with “CV” are to case number 14-cv-0957 RB/SMV. References that begin with “CR” are to the underlying criminal case, 12-cr-2903 RB.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Magistrate Judge's Proposed Findings and Recommended Disposition [CV Doc. 11; CR Doc. 55] are **ADOPTED**.

IT IS FURTHER ORDERED that Defendant/Petitioner Christopher A. Apalategui's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence . . . [CV Doc. 1, CR Doc. 44] is **DENIED**, and the case **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.



ROBERT C. BRACK
United States District Judge